IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application	) **PATENT APPLICATION**
Inventor(s): Patricia Franklin	)
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SC/Serial No.: 10/697,602	) Art Unit: 3715
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Filed: October 29, 2003	) Examiner: Aileen Chyn
	)
Title: INTEGRATED MULTI-TIERED SIMULATION, MENTORING AND COLLABORATION E-LEARNING PLATFORM AND ITS SOFTWARE	) **Customer No. 28554**

DECLARATION OF PATRICIA FRANKLIN
PURSUANT TO 37 C.F.R. §1.131

I, PATRICIA FRANKLIN, declare that:

1.   I am an inventor of the invention described and claimed in the above-identified patent application. I am the founder and Chief Executive Officer of Atlas Island Media, a company which markets an e-learning platform as disclosed in the above-identified patent application. I have reviewed the above-identified patent application and the pending claims as set forth in the RESPONSE A TO OFFICE ACTION accompanying this DECLARATION. I have also reviewed U.S. Patent Application Publication No. 2005/0137015 to Rogers ("Rogers") having a filing date of August 19, 2004, and claiming priority to United States Provisional Application Ser. No. 60/496,704, filed August 19, 2003.

2. I understand that this Declaration will be filed in the United States Patent and Trademark Office in order to provide factual evidence showing that the invention claimed in the present application was completed prior to the date of August 19, 2003.

3. The facts set forth hereinafter to establish that the claimed invention was completed prior to August 19, 2003 all relate to acts which occurred and were carried out within the United States.

4. I founded Atlas Island Media in San Francisco, CA, in 1980. I started the company to lead a team of psychologists, instructional designers and game developers in the creation of online learning that integrates simulation, mentoring and collaboration in corporate-based training. This online learning system is covered in the above-identified patent application.

5. Some clients of Atlas Island Media which have used the online learning system include the Veterans Administration Hospital Network and the University of San Francisco. Cisco Systems, CPP, Inc., American Express, SRI International, Kaiser Permanente, United Behavioral Health, and Palomar Pomerado Health have received consultations and demonstrations of the online learning system.

6. Many years prior to August 19, 2003, I attended a conference in San Francisco to commemorate the 100th anniversary of the invention of the radio by Guglielmo Marconi. While there, I met Enrico Garaci, the head of the National Science Foundation of Italy. During our discussion, I was talking to him about the use of multimedia and the ability that it would afford a learner to be able

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to connect with some of the greatest people who have ever lived, such as Leonardo De Vinci, Michelangelo and Galileo. These and other historical figures have such a great depth of knowledge, and it would be advantageous to be able to avail oneself of their knowledge. I discussed with him how it would wonderful to use multimedia to bring these and other historical figures back to life as mentors. The mentoring component of my invention was born at that time. Later, but prior to August 19, 2003, I referred to these historical figures brought back to life through multimedia as MetaMentors.

7.   Some time later, but still long before August 19, 2003, I began to develop a multimedia learning platform using historical figures as the MetaMentors. I was meeting with Andres Albanese, Vice President of the International Computer Science Institute ("ICSI"), who had given me 24/7 security clearance access to the ICSI equipment because he was excited about the concept of bringing historical figures back to life via multimedia as mentors for people today. During that period, I realized that the most meaningful way for them to be relevant for learners would be through presenting learners with modern day, multimedia scenarios that mapped to the challenges that Meta Mentors experienced in their lives.

8.   In around that time frame, I was one of the coordinators for a conference in San Francisco called Avatars '97. From my association with that conference, I knew I wanted avatars to play an important role in the platform that I was beginning to develop. At that time, I was deciding between one of two options for the multimedia learning platform I wanted to develop. In the first option, the whole platform was going to take place in a "virtual world" with avatars. In the second option, the platform would integrate asynchronous, reality based, photo-realistic scenarios that were modern day

and that would include the MetaMentoring component. The second option would link to the 24/7 online avatar experience, which would serve as a unifier for community learning and resources. When the platform was eventually developed (before August 19, 2003), aspects of both options made it into the final working software model.

9.   Before August 19, 2003, I met with Sherry Prescott at the Mountain View, California headquarters of CPP, Inc. (formerly Consulting Psychologists Press). Sherry Prescott was the head of Marketing at CPP which is the worldwide distributor of the Myers-Briggs Personality Type Indicator. It was around that time that I began to realize that the real application for this was going to be in the corporate setting. Many people in corporations are regularly typed by the Myers–Briggs Personality Type Indicator. I thought at that time to use actual results for an individual in the multimedia learning platform, by having characters in the multimedia platform conforming to the various personality types. The characters would be portrayed in real-life scenarios that the learner would be presented with in their day-to-day work. This was an extremely important concept to me because all of the training and e-learning platforms I was aware of to that date were very stiff and boring. These existing platforms did not engage the learners with characters or scenarios that the learner could actually relate to. I wanted to develop a platform that would be personal to the users.

10.   Using the 16 distinct personality types of the Myers Fixed Personality Type Indicator also afforded the benefit of characters that would react in the multimedia simulation in a predictable way.

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11.   Some time before August 19, 2003, I assembled a team to begin work on putting together the first prototype of the multimedia e-learning platform. One important aspect of the platform was to present a multimedia simulated event to a user via their computer display. The multimedia simulated event would include characters in conflict, where the learner would roll-play one of the characters. The learner would then interact with the platform through computer input devices (keyboard, mouse) in an attempt to resolve the conflict in the multimedia simulation as best they could by making appropriate selections from decision-time menus.

12.   The team which assembled the multimedia conflict simulation included many people. Ken Ecklund wrote the script for the simulations; Lucy Carter contributed to the MetaMentor sequences. A large number of actors and actresses depicted characters in the simulation. There were a number of video, lighting and production personnel responsible for shooting the large amounts of image content for use in the conflict simulations. And a large number of programmers, including Fred Borcherdt and Bruce Ang, were responsible for generating the multimedia simulation including the image content. I was responsible for managing and directing all of these aspects and integrating each of them together to come up with the simulation and the larger overall learning platform, which would be called a Learning Integrated Framework Environment or LIFE and a Multi-User Simulation Environment (MUSE).

13.   We found the actors and actresses through a Craigslist ad in San Francisco. We then shot many hours of video. We wound up with approximately fifty-six million frames of video. We decided for several reasons that it would be much more effective to use still image frames of video in

the simulations than using video footage. First, still images present a much more lasting impression. A second factor was storage space and baud rates. Still images take up much less memory storage space than does video. As we wanted the simulation to be available and downloadable to learners who may only have a 56k modem, we wanted to something that would download quickly. Third, by using still frames, we could separate the audio from the video. This turned out to be a great advantage because we could use still images with different audio clips, instead of having to shoot separate video footage for each audio clip. All of this occurred prior to August of 2003.

14.   Prior to August of 2003, working from Ken Ecklund's original script, the programming team assembled the video and audio into scenarios in which the user would role play one of the characters in the simulation. The role-played character would interact with others in the simulation and the role-played character would be presented with a conflict. The learner would then be presented with, for example, 4 or 5 on-screen options of how to deal with the conflict. The user would choose one of the options using, for example, a mouse or keyboard. Once the user's choice was made, the consequences of that selection were played on the screen for the user. The reality-based role-play was designed to be an integral part of the asynchronous simulation component of LIFE. By contrast, when the learner entered the 24/7 online component, also known as "Level Two" or the "Virtual World", the learner required an identity and this meant that the learner would have a symbol, avatar, emoticon, photo or text name to let others know who he or she was in this online community of best practice. In this case, the use of an avatar was not for a role-playing game, but rather as a means of identification of real people within an online community.

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15.   My idea was to provide feedback, assistance and mentoring to a learner based on the choices he/she made in the simulation. I thought to do this in two ways. The first was through the concept of a MetaMentor. The second was through a virtual world which was full of useful resources the learner could avail themselves of.

16.   With respect to the MetaMentor, as discussed above, I felt that sharing the experiences of famous historical figures, *i.e.*, the Meta Mentors, would be a very effective mentoring tool. This was true for at least two reasons. First, the MetaMentors were famous, memorable, capable and respected figures from history. Second, the real-life experiences the MetaMentors would share with the learners would be related to the experience the user just had in the simulation. I realized that the parallels between the experience shared by the MetaMentor and the experience of the learner in the simulation would make the advice offered by the MetaMentor a personal and meaningful experience.

17.   The MetaMentors would be presented to the learner over the display when the learner needed assistance, or where his/her choice indicated that he/she needed advice. The software platform would present the learner with a multimedia clip (video or a series of still images) showing the MetaMentor and/or narrated by someone in the voice of the MetaMentor, and illustrating the experience the Meta Mentor shares with the learner.

As indicated above, the idea of using MetaMentors to provide feedback, assistance and mentoring was a concept I had come up with long before August 19, 2003. The actual context of the learning platform that I chose to use it in also was conceived of before August 19, 2003.

18.   The second way I thought of to provide feedback, assistance and mentoring to a learner based on the choices he/she made in the simulation was through a simulated portal presented to the user on his or her computer display which, when selected by the learner, would bring him or her to a virtual world full of resources relating to the experience the learner had in the simulation. These resources were both synchronous and asynchronous resources.

19.   The synchronous resources were other people with whom the learner could communicate in real time and who could provide advice and mentoring to the learner. There were several ways I thought to do this, including for example using instant messaging where two people could communicate with each other over an Internet connection. These other people could be represented in the virtual world and displayed to the learner as, for example, avatars. The learner would see an avatar in the virtual world. By selecting that avatar, a real time communications link could be established between the learner and the person whose avatar was selected. The learner could then converse with the selected person to learn more about how the learner could have handled the simulation better. The avatar or representation of the expert could also be static and the learner could simply click on their representation and a database of their knowledge would become available.

20.   As indicated above, the idea of using avatars in a virtual world to provide feedback, assistance and mentoring was a concept I had come up with long before August 19, 2003. The actual context of the learning platform that I chose to use them in also was conceived of before August 19, 2003.

21.   Other resources in the virtual world could be any of a wide variety of stored informational sources represented with a graphical icon. For example, the virtual world could include an icon which, when selected by the learner, brought the learner to an informational website where the learner could get information relating to his or her experience in the simulation. The event could alternatively be the stored experiences from others who dealt with issues similar to those presented to the learner in the simulation. These other people could, for example, be others within the learner's company with valuable knowledge and experiences from which the user could learn.

22.   The idea of using stored, asynchronous events to provide feedback, assistance and mentoring was a concept I had come up with before August 19, 2003. These events are tagged with computer code and linked to choices made by individual learners in the asynchronous component of LIFE, thereby triggering their timely appearance in the form of a "teaching moment" for the learner. These events are also arrayed on a 24/7 synchronous Web site that resembles a metaphoric virtual environment of the organization who would be purchasing the product. Learners access the asynchronous simulation component in two ways: the virtual environment contains portals for visitors to a variety of synchronous simulations and, the learner can access the simulation component through a separate digital delivery system through which the virtual world Web site can be launched. This context in which I used asynchronous events to provide feedback, assistance and mentoring was also conceived of prior to August 19, 2003.

23.   Throughout our development of the multimedia learning platform described in my patent application, we worked diligently to reduce the invention to practice. This included the creation of

several different versions and prototypes throughout the process which eventually culminated in the version of the platform described in my patent application.

24. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: _May 15, 2006_   By: _Patricia Franklin_
                                   Patricia Franklin